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THE ANDHRA PRADESH GAZETTE
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PART II EXTRAORDINARY

No.132

AMARAVATI, TUESDAY, OCTOBER 3, 2023

G.1014

NOTIFICATIONS BY HEADS OF DEPARTMENTS, Etc.

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COLLECTOR & DISTRICT MAGISTRATE
VISAKHAPATNAM

R.Dis.No.301/2022/C5.

Date: 31.07.2023.

DLSC - CASTE CERTIFICATES- VISAKHAPATNAM DISTRICT - VERIFICATION OF
SC CASTE GENUINENESS OF SRI MADDALA ANANDA BABU S/o Late
MADHAVARAO - DLSC ENQUIRY CONDUCTED - ORDERS - ISSUED.

- Read: 1. Representation of Sri Sudha Seethapathi rao, #18-118, Chandra Nagar,
Gopalapatnam dt:27.01.2022.
2. Lr.Rc.No.D3/383/VSP-G/SC/2022, dt:25.02.2022 of the Chairman AP State
Commission for Scheduled Caste.
3. L.Dis No.441/2022/B, dt:24.09.2022 of the Tahsildar Gopalapatnam.
4. This office Rc.No. 301/2022/C5 Dt.28.04.2023 addressed to the RDO,
Visakhapatnam, Dy. Supdt of Police, CID, Visakhapatnam and Joint Director,
Social Welfare, Visakhapatnam.
5. Spandana petition filed by Sri Sudha Seethapathi Rao dt:22.05.2023.
6. This office Rc.No. 301/2022/C5 Dt. addressed to the RDO, Visakhapatnam, Dy.
Supdt of Police, CID, Visakhapatnam and Joint Director Social Welfare
Visakhapatnam.
7. Report of the Joint Committee in Rc.No.450/2023/H, dt: 15.05.2023. (Received
on 30.6.2023)
8. Opinion of the District level Scrutiny Committee dt: 21.07.2023.

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ORDER:-

One Sri Sudha Seethapathi Rao had filed a complaint against the caste status of Sri. Maddala Anand Babu S/o Late Madhava Rao alleging that Sri. Maddala Anand Babu belongs to BC-D Naga vamsam caste but fraudulently obtained SC-Mala certificate and acquired Job in NSTL. The petitioner/Complainant further stated that they all belong to Naga vamsam caste BC-D and Sri Maddala Madhavarao is his brother in- law hailed from Krishnapuram (V) near padmanbham now in vizinagaram District. Further the petitioner has stated that Madhavarao's brother Maddala Lakshmi Narayana and his wife Maddala Surya Kala (Rtd Tahsildar) also belongs to Naga Vamsam caste and strongly stated that all the blood relatives of Maddala Madhava Rao belongs to BC-D Naga Vamsam and requested to cancel the fake caste certificate of Sri . Maddala Anand Babu S/o Late Madhava Rao .

The Tahsildar, Gopalapatnam got enquired into the subject matter and reported the following.

- Sri Maddala Madhava Rao (L) F/o Maddala Anand Babu worked in Chemical Engineer Section of Visakhapatnam Port Trust and his caste was mentioned as **SC-MALA in his service register.**
- Sri Maddala Madhava Rao (L) had two sons and one daughter named Smt. Maddala Shyamala Devi W/o Mohammed Firoz Khan in her school transfer certificate. No.628 Dt.30.04.2001 issued by Principal, Dr.B.R.A.G.M.R Poly. For Women, Karimnagar where caste is mentioned as **SC- Mala.**
- The delinquent posses SC-MALA Caste Certificates issued by the Mandal Revenue Officer, Visakhapatnam ,Dt.08.08.1999 & Tahsildar, Visakhapatnam (Urban) vide CGC01 1505493060 Dt.10.07.2015.
- The Service particulars of Sri Maddala Ganesh Babu S/o Late Maddala Madhava Rao elder sons also reveals that he belong to **SC-MALA community**, he also posses Community Nativity and Date of Birth Certificate issued by the then Mandal Revenue Officer, Visakhapatnam Urban vide SID:0329-0438-4014-7805 Appl. No. 20041798 Dt.04.08.2004.
- Based on the Material evidences The Tahsildar, Gopalapatnam concluded her enquiry stating that Sri.Maddalal Ananda Babu S/o late Maddala Madhava Rao belongs to **SC- Mala as his father belongs to SC- Mala Community and his mother belongs to BC-D Nagavamsam.**

Since the Tahsildar Gopalapatnam concluded the enquiry based on the material evidences produced before her. But did not ascertained statements /depositions from the closest relatives of the delinquent who posses BC-D Nagavamsam Certificate as reported by the Complainant. As per the provisions laid under rule 9 fraudulent claims of the Andhra Pradesh Scheduled Castes, Scheduled Tribes and Backward Classes - Issue of Community,

Nativity and Date of Birth Certificates Rules, 1997 the case was referred to DLSC under the Chairmanship of Joint Collector, Visakhapatnam for verifying the veracity of the SC MALA caste Certificate of Sri Maddala Anand Babu S/o L.Madhava Rao.

The District Level Scrutiny Committee took the case for hearing and conducted hearing on 24.12.2022 and heard the case. Upon hearing the Joint Collector & chairman DLSC directed the 1) Revenue Divisional Officer Visakhapatnam, 2) Deputy Superintendent of Police CID., & 3) Joint Director Social Welfare Department to enquire in detail and submit detailed report. The above constituted committee reported that on 16.02.2023 the Complainant and delinquent attended before them and produced the document evidences in support of their claims. Further on 30.05.2023 enquiry was conducted with the closest associates of the delinquent as reported by the petitioner and statements were recorded from the following.

1. Sri.Lakshmi Narayana (Brother of late Madhava Rao)
2. Smt. Nagaratnam(Sister of late Madhava Rao)
3. Sri Ramani Rama Rao (Nephew of late Durgamma)
4. Sri Sudha Seethapathi Rao (Complainant/Brother of Maddala VijayaLakshmi)
5. Sri Madala Ananda Babu(Delinquent)

1. **Statement of Sri.Lakshmi Narayana (Brother of late Madhava Rao):-**The individual deposed that he was born to (L) Paidanna (BC-A) & Durgamma(BC-A) . After demise of his father her mother got remarried to one scheduled caste person (Name/ details unknown) and had two children namely Madhava Rao & Nagaratnam. He further deposed that both his father's expired in Burma and later they were repatriated to Visakhapatnam.

- Further vide Ir no 39387/73-SCT.I of the under secretary to the Govt of India-Ministry of Home affairs dt:-21.05.1977 the legal position regarding the caste status of the offsprings of inter caste married couples were issued and point no 3 is read as follows.

The Supreme Court in V.V. Giri Vs. D.S. Dors reported in AIR 1959 S.C. 1318 (1327) held "The caste-status of a person in the context would necessarily have to be determined in the light of the recognition received by him from the members of the caste into which he seeks an entry. There is no evidence on this point at all. Besides the evidence produced by the appellant merely shows some acts by responde which no doubt were intended to assert a higher status acts of this character cannot be easily taken to pro that the claim for the higher status which the said a purport to make established. That is the view which the High Court has taken and in our opinion the High Court is absolutely right."

In view of the above observations by Superior Courts, it can safely be concluded that the crucial test to determine is whether a child born out of such wedlock has been accepted by the Scheduled Caste community as a member of their community and has brought up in that surrounding and in that community or not. The nexus between the child and community or class or caste is a real test irrespective of the fact whether the accommodating class caste or community is Scheduled Caste Community or a caste Hindu Community. Even if the mother of the child is a member of the Scheduled Caste Community, it is possible that the child is

accepted by the community of his father and brought up in the surroundings of his father's relations. In a case such a child cannot be treated as a member of the Scheduled Caste Community and cannot get any benefit as such. Similarly when the mother belonging to a higher caste and the father is a Scheduled Caste, the father may remain away from the Scheduled Caste community and the child may be brought up in a different surrounding under the influence of his mother's relations and her community members. In such cases also, the child cannot be said to be a member of the Scheduled Caste Community. In the alternative, where the child irrespective of the fact whether the father or the mother is a member of the Scheduled Caste community is brought up on the Scheduled Caste as a member of such community, then he has to be treated as a member of the Scheduled Caste community and would be entitled to receive benefits as such.

➤ Further point 6 in Annexure- A of the above mentioned letter is read as follows.

"It can be derived from this that the illegitimate children are generally brought up by the mother and in her own surroundings. Therefore, if the mother belongs to the Scheduled Caste and brings up the child within a Scheduled Caste community, the child can be taken as a member of the Scheduled Caste Community. But in this case also the major factor for consideration is whether the child has been accepted by the Scheduled Caste community as a member of their community and he has been brought up as such."

Conclusion of the Joint Committee:-

The above constituted committee concluded the enquiry stating that as per the legal provisions, the caste status of off-spring of the inter caste marriage may be decided/declared based on the surroundings and community of people where he/she is brought up. In the

2. **Statement of Smt Nagaratnam (Sister of late Madhava Rao):-** The individual deposed that her mother name is Durgamma and they are repatriates from Burma. She further stated that her mother got married twice and her elder brother Laxmi Narayana was son from her mother's first husband. After the demise of her mother's first husband her mother got married to her father who belongs to Scheduled caste and got children i.e., herself and her brother (Madhava Rao). She further stated her elder brother belongs to Nagavamsam caste (BC-D) and she herself and brother Madhava Rao belongs to Scheduled caste.
3. **Statement of Ramani Rama rao (Nephew of late Durgamma):-** The individual deposed that late Durgamma is her nephew and they are repatriates from Burma. He further stated that he overheard his elder's conversation when he was small and came to know that his maternal aunt was married twice and laxmi Narayana was her elder son from her first husband and Madhavarao and Nagaratnam are her children from her second husband. He finally stated that Madhava Rao belongs to Scheduled caste.
4. **Statement of Sudha Seethapathi Rao (Complainant/Brother of Maddala Vijaya Lakshmi):-** The individual deposed that Maddala Paidanna and Maddala Durgamma got three children, two sons and one daughter where their two sons were claiming

two different castes i.e., Maddala Madhavarao claiming that he belongs to Scheduled caste and Laxminarayana from Nagavamsam. He further stated that the Mandal Revenue officer confirmed the caste of the delinquent stating that his father belongs to SC and his mother belongs to BC and they had performed intercaste marriage. He further stated that now the above deposed individuals were stating that Maddala Durgamma has got two husbands i.e., one belongs to BC Caste and the other from the SC caste whose whereabouts and details are not known. He finally stated that since Maddala is surname of Maddala Paidanna and both the brothers were having the same, Hence he requested to consider the two brothers belongs to the same caste.

Findings of the Committee:-

- On perusal of the depositions/Statements deposed from the above individuals it is noticed that Late Durgamma was remarried to Scheduled caste person after the demise of her first husband Paidanna.
- She had got two sons and one daughter i.e., (elder son laxmi Narayana from first husband and the remaining two from her second husband). The details/whereabouts of Durgamma second husband who is said to be scheduled caste are not known. Hence the authentication of presences of Scheduled caste person is not proved
- On observing the ages of the three siblings it is noticed that all three of them were having an age gap of some 2-3 years, hence the re-marriage of the Durgamma is questionable.
- As noticed from the documentary evidences produced by the Delinquent in the all the Documents/ certificates it was mentioned as Maddala Madhava Rao s/o Maddala Paidanna .

instant the case all the three children deposed that after the demise of their two fathers they were repatriated to India and bought up in Visakhapatnam with her mother who belong to Nagavamsam caste (BC-D), which is clear case that the individual belongs to the caste of his mother i.e., BC-D Nagavamsam. On perusal of all the material evidences and depositions of the closest associates of the late Madhav Rao the Joint committee opined that the SC-MALA caste certificate obtained by Sri Maddala Anand Babu S/o Late Madhav Rao is liable to be cancelled.

The matter was placed before the District Level Scrutiny Committee on 21.07.2023 calling for the opinion of the committee on genuiness of the "SC" caste certificate acquired by Sri Maddala Anand babu. On perusal of the enquiry report and findings the scrutiny committee and the Joint Collector & Chairman DLSC came to a conclusion and opined that the "SC" caste certificate acquired by the respondent is **liable to be cancelled**

Therefore for the reasons stated above and powers confirmed upon me U/s. 5(1) of the A.P. (SC,ST & BC) Regulation of Issue of Community Certificate Act, 16 of 1993, read with rule 9(7) of the same Act communicated in G.O.Ms.No. 58, Social Welfare Department, dt: 12-5-1997. The Scheduled caste certificates issued in favour of Sri Maddala Anand babu by the Tahsildar's Seethammadhara & Gopalapatnam vide Sr.No.1340/99/dt:28.05.1999, Rc.No.3328/93/C,dt:11.11.1993,C.No1775/99/dt:09.08.1999,Sr.No.26139/06,dt:11.10.2006,

CGC01150449777Dt:08.06.2015,CGC112370491dt:06.11.2012,CGC011712603240dt:18.05.2017 & CGC012146106909 dt:09.01.2022, respectively are hereby cancelled with immediate effect.

A notification to this effect shall be published in the District Extraordinary Gazette.

Note: An appeal against this order lies before the Government within 30 days from the date of receipt of this Order.

A. MALLIKARJUNA,
Collector & District Magistrate,
Visakhapatnam.

To
Sri Sudha Seethapathi Rao, #18-11B, Chandra Nagar, Gopalapatnam.

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